


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED
JUL 26 2013

CLERK

UNITED STATES OF AMERICA,)	CR. 12-50107-03
)	
Plaintiff,)	
)	
vs.)	REPORT AND
)	RECOMMENDATION
DIANA BALD EAGLE,)	
)	
Defendant.)	
)	

This matter came before the court for a change of plea hearing on Friday, July 26, 2013. The Defendant, Diana Bald Eagle, appeared in person and by her counsel, Lorie Melone. The United States appeared by its Assistant United States Attorney.

The defendant consented in open court to the change of plea before a United States magistrate judge and waived the fourteen (14) days within which to object to the report and recommendation. See also Docket No. 141. This court finds that the defendant's consent was voluntary and upon the advice of counsel and the waiver of time within which to object was also voluntary and upon the advice of counsel. The government also consented to the plea hearing before a magistrate judge and waived the fourteen (14) days within which to object to the report and recommendation.

Defendant has reached a plea agreement with the Government wherein she intends to plead guilty to the sole count of the Superseding Indictment filed in this case. The defendant is charged with Conspiracy to Distribute a Controlled Substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B). At the hearing, the defendant was advised of the nature of the charges to which she would plead guilty and the maximum penalties applicable, specifically: a minimum of five (5) and a maximum of forty (40) years imprisonment; a \$5,000,000 fine; or both; at least four (4) years up to a lifetime of supervised release; three (3) additional years imprisonment if supervised release is revoked; and a \$100.00 special assessment.

Upon questioning the defendant personally in open court, it is the finding of the court that the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges and the consequences of the plea, and that her plea of guilty to the Superseding Indictment is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. It is, therefore, my report and recommendation that the guilty plea to the Superseding Indictment be accepted and the defendant be adjudged guilty of that offense.

Dated July 26, 2013.

BY THE COURT:



VERONICA L. DUFFY
UNITED STATES MAGISTRATE JUDGE